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QUALCOMM, INC
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In re Application of
Subramanya P. Rao, et al.
Application No. 10/053,398
Filed: January 17, 2002
For: **SEGMENTED CDMA SEARCHING**

MAILED

JAN 12 2006

DECISION ON PETITION
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

This is a decision on the Petition to Withdraw Holding of Abandonment, pursuant to 37 C.F.R. § 1.181, filed November 22, 2005. No fee is required.

This application became abandoned for failure to timely reply to a written restriction requirement mailed on January 19, 2004. A Notice of Abandonment was mailed on October 12, 2005.

Petitioner alleges to have timely filed a proper response, by facsimile on August 16, 2004. In support, petitioner has provided as evidence, copies of applicant's election without traverse, amendment requesting the addition of new claims, a petition for extension of time, a copy of a facsimile transmittal form which contains a certificate of facsimile transmittal signed by Ann Andrews and a copy of a facsimile transmittal report which identifies the subject application and indicates that 12 pages were successfully transmitted on August 16, 2004.

A review of the file record does not reveal the original response to the written restriction requirement/amendment.

37 C.F.R. § 1.8 Certificate of mailing or transmission states in part:

(a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and

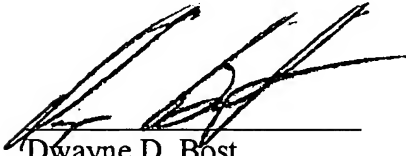
(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated. [emphasis added]

Petitioner has complied with the requirements set forth in 37 C.F.R. §1.8(a) above.

Accordingly, the petition is **GRANTED**.

The holding of abandonment is withdrawn.

The application file is being forwarded to the technical support staff for processing the response to the written restriction requirement which accompanied the subject petition. Thereafter, the application will be forwarded to the examiner for appropriate action in due course.

A handwritten signature in black ink, appearing to read 'Dwayne D. Bost', is written over a horizontal line.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications